

### **REMARKS**

Claims 28-44 were examined and reported in the Office Action. Claims 28, 29 and 31-40 are rejected. Claims 28 and 41 are amended. New claim 45 is added. Claims 28-45 remain. Applicant has amended the specification to overcome the informal objections and for clarification. All the added description is fully supported from the figures and previous description. No new matter is added.

Applicant requests reconsideration of the application in view of the following remarks.

#### **I. In the Drawings**

The drawings are objected to because reference character 26 is used to designate both a first and second lug. Figure 12 is objected to as it does not include reference numeral 56. Applicant has amended the figures and submits replacement sheets (Figures 3-5 and 10-12) to overcome the above-mentioned objections. Additionally, Applicant submits new Figure 13, which is a cross-sectional view through the latch and particularly the primary bolt so as to show the primary bolt in its retained retracted position. No new matter is added.

Approval is respectfully requested.

#### **II. Claim Objections**

Claim 28 is objected to for informalities. Applicant appreciates the Examiner's amendment suggestion. However, Applicant notes that while one embodiment describes the secondary bolt "within" the primary bolt, the generic requirement is that the secondary bolt be physically engaged with the primary bolt. Applicant has amended claim 28 to overcome the informal objection.

Accordingly, withdrawal of the informal objection for claim 28 is respectfully requested.

### III. 35 U.S.C. §102(b)

It is asserted in the Office Action that claims 28, 29 and 31-40 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,927,769 issued to Pullen (“Pullen”). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

‘[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.’ (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). ‘The identical invention must be shown in as complete detail as is contained in the ... claim.’ (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Pullen discloses a child’s safety latch where an auxiliary bolt activates the latch bolt. In Pullen the auxiliary bolt only acts in the closing direction of the panel to which the latch is attached. That is, the auxiliary bolt only releases the main bolt when the panel is closed. Distinguishable, in Applicant’s claimed invention the secondary or auxiliary bolt releases the primary bolt as the panel is opened. Further, the auxiliary bolt in Pullen is not engaged with the main bolt. The auxiliary bolt is quite separate though it is located adjacent to the main bolt. The secondary bolt in Applicant’s claimed invention is movably engaged with the primary bolt to be moveable both with and relative to the primary bolt. Figures 1 and 10 of Pullen make it quite clear that the auxiliary bolt 42 is mounted to one side and above the primary bolt 56. The auxiliary bolt is therefore not moveably engaged with the primary bolt.

Further, Pullen does not teach, disclose or suggest Applicant’s claim 28 limitations of a retaining means to retain the primary bolt in the retracted position and a secondary bolt movably engaged with the primary bolt to be moveable both with and relative to the primary bolt, the secondary bolt has a leading end which has a first engagement surface which

is exposed for contact with a part of the strike when the primary bolt is moved to the retracted position by the operating element, whereby contact between the first engagement surface and said part of the strike during relative movement between the body and strike causes the secondary bolt to move relative to the primary bolt to the position where the secondary bolt effects release of the retaining means to release the primary bolt and enable the primary bolt to move from the retracted position to the latching position.

Therefore, since Pullen does not teach, disclose or suggest all of Applicant's claim 28 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) can not be set forth relative to Pullen. Thus, Applicant's claim 28 is not anticipated by Pullen. Additionally, the claims that directly or indirectly depend on claim 28, namely claims 29 and 31-40, are not anticipated by Pullen for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 28, 29 and 31-40 are respectfully requested.

**IV. Allowable Subject Matter**

Applicant notes with appreciation the Examiner's assertion that claims 42-44 are allowed.

Applicant notes also with appreciation the Examiner's assertion that claim 30 is objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form. Applicant has added new claim 45, which is claim 30 rewritten in independent form. Therefore, new claim 45 is now placed in allowable form.

Applicant further notes with Appreciation that claim 41 would be allowable if amended as suggested. Applicant has amended claim 41 as suggested by the Examiner. Therefore, amended claim 41 is now placed in allowable form.

Applicant respectfully asserts that claims 28-45, as they now stand, are allowable for the reasons given above.

**CONCLUSION**

In view of the foregoing, it is submitted that claims 28-45 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

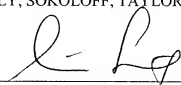
**PETITION FOR EXTENSION OF TIME**

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on February 9, 2007, Applicant respectfully petitions the Commissioner for a three (3) month extension of time, extending the period for response to August 9, 2007. The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$1,020.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(3) large entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Dated: August 6, 2007

By:   
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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

  
Jean Svoboda

Date: August 6, 2007